

117TH CONGRESS  
1ST SESSION

# S. 2130

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. WHITEHOUSE (for himself, Mr. CASSIDY, Mr. COONS, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KING, Mr. SCHATZ, Mrs. SHAHEEN, Mr. VAN HOLLEN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Reinvesting In Shore-  
5 line Economies and Ecosystems Act of 2021” or the  
6 “RISEE Act of 2021”.

1 **SEC. 2. NATIONAL OCEANS AND COASTAL SECURITY FUND;**2 **PARITY IN OFFSHORE WIND REVENUE SHAR-**3 **ING.**

4 (a) DEFINITIONS IN THE NATIONAL OCEANS AND

5 COASTAL SECURITY ACT.—Section 902 of the National

6 Oceans and Coastal Security Act (16 U.S.C. 7501) is

7 amended—

8 (1) by striking paragraph (5) and inserting the

9 following:

10 “(5) INDIAN TRIBE.—The term ‘Indian tribe’

11 has the meaning given that term in section 4 of the

12 Indian Self-Determination and Education Assistance

13 Act (25 U.S.C. 5304).”; and

14 (2) by striking paragraph (7) and inserting the

15 following:

16 “(7) TIDAL SHORELINE.—The term ‘tidal

17 shoreline’ means the length of tidal shoreline or

18 Great Lake shoreline based on the most recently

19 available data from or accepted by the Office of

20 Coast Survey of the National Oceanic and Atmos-

21 pheric Administration.”.

22 (b) NATIONAL OCEANS AND COASTAL SECURITY

23 FUND.—Section 904 of the National Oceans and Coastal

24 Security Act (16 U.S.C. 7503) is amended—

25 (1) in subsection (a), by inserting “and man-

26 age” after “establish”;

1                             (2) in subsection (b), by striking paragraph (1)  
2                             and inserting the following:

3                             “(1) IN GENERAL.—The Fund shall consist of  
4                             such amounts as—

5                             “(A) are deposited in the Fund under sec-  
6                             tion 105(a)(2)(B) of the Gulf of Mexico Energy  
7                             Security Act of 2006 (43 U.S.C. 1331 note;  
8                             Public Law 109–432);

9                             “(B) are deposited in the Fund under sub-  
10                            paragraph (C)(ii)(I)(bb) of section 8(p)(2) of  
11                            the Outer Continental Shelf Lands Act (43  
12                            U.S.C. 1337(p)(2)); and

13                             “(C) are appropriated or otherwise made  
14                             available for the Fund.”;

15                             (3) by striking subsection (d) and inserting the  
16                             following:

17                             “(d) EXPENDITURE.—

18                             “(1) \$34,000,000 OR LESS.—If \$34,000,000 or  
19                             less is deposited in, or appropriated or otherwise  
20                             made available for, the Fund for a fiscal year, in  
21                             that fiscal year—

22                             “(A) not more than 5 percent of such  
23                             amounts may be used by the Administrator and  
24                             the Foundation for administrative expenses to  
25                             carry out this title; and

1               “(B) any remaining amounts shall be used  
2               only for the award of grants under section  
3               906(c).

4               “(2) MORE THAN \$34,000,000.—If more than  
5               \$34,000,000 is deposited in, or appropriated or oth-  
6               erwise made available for, the Fund for a fiscal year,  
7               in that fiscal year—

8               “(A) not more than 5 percent of such  
9               amounts may be used by the Administrator and  
10               the Foundation for administrative expenses to  
11               carry out this title;

12               “(B) not less than \$34,000,000 shall be  
13               used for the award of grants under section  
14               906(c); and

15               “(C) of any amounts exceeding  
16               \$34,000,000—

17               “(i) not more than 75 percent may be  
18               used for the award of grants under section  
19               906(b); and

20               “(ii) not more than 20 percent may be  
21               used for the award of grants under section  
22               906(c).

23               “(3) DIVISION OF AMOUNTS FOR ADMINISTRA-  
24               TIVE EXPENSES.—The amounts referred to in para-  
25               graphs (1)(A) and (2)(A) shall be divided between

1       the Administrator and the Foundation pursuant to  
2       an agreement reached and documented by both the  
3       Administrator and the Foundation.”; and

4                 (4) in subsection (e)(2), by striking “section  
5       906(a)(1)” and inserting “section 906(a)”.

6       (c) ELIGIBLE USES OF AMOUNTS IN THE NATIONAL  
7       OCEANS AND COASTAL SECURITY FUND.—Section 905 of  
8       the National Oceans and Coastal Security Act (16 U.S.C.  
9       7504) is amended to read as follows:

10      **“SEC. 905. ELIGIBLE USES.**

11       “(a) IN GENERAL.—Amounts in the Fund may be  
12       allocated by the Administrator under section 906(b) and  
13       the Foundation, in consultation with the Administrator,  
14       under section 906(c) to support programs and activities  
15       intended to improve understanding and use of ocean and  
16       coastal resources and coastal infrastructure.

17       “(b) PROGRAMS AND ACTIVITIES.—The programs  
18       and activities referred to in subsection (a) may include sci-  
19       entific research related to changing environmental condi-  
20       tions, ocean observing projects, efforts to enhance resil-  
21       iency of infrastructure and communities (including project  
22       planning and design), habitat protection and restoration,  
23       monitoring and reducing damage to natural resources and  
24       marine life (including birds, marine mammals, and fish),  
25       and efforts to support sustainable seafood production car-

1 ried out by States, local governments, Indian tribes, re-  
2 gional and interstate collaboratives (such as regional ocean  
3 partnerships), nongovernmental organizations, public-pri-  
4 vate partnerships, and academic institutions.

5       “(c) PROHIBITION ON USE OF FUNDS FOR LITIGA-  
6 TION OR OTHER PURPOSES.—No funds made available  
7 under this title may be used—

8           “(1) to fund litigation against the Federal Gov-  
9 ernment; or

10          “(2) to fund the creation of national marine  
11 monuments, marine protected areas, or marine spa-  
12 tial plans.”.

13       (d) GRANTS UNDER THE NATIONAL OCEANS AND  
14 COASTAL SECURITY ACT.—Section 906 of the National  
15 Oceans and Coastal Security Act (16 U.S.C. 7505) is  
16 amended—

17           (1) in subsection (a)—

18              (A) by striking paragraph (2);

19              (B) by striking “(a) ADMINISTRATION OF  
20 GRANTS.—” and all that follows through “the  
21 following:” and inserting the following:

22          “(a) ADMINISTRATION OF GRANTS.—Not later than  
23 90 days after funds are deposited in the Fund and made  
24 available to the Administrator and the Foundation for ad-

1 ministrative purposes, the Administrator and the Founda-  
2 tion shall establish the following:”;

3 (C) in subparagraph (A), by striking “such  
4 subsections” and inserting “this section”;

5 (D) by striking subparagraph (B) and in-  
6 serting the following:

7 “(B) Selection procedures and criteria for  
8 the awarding of grants under this section that  
9 require consultation with the Administrator and  
10 the Secretary of the Interior.”;

11 (E) in subparagraph (C), by striking  
12 clause (ii) and inserting the following:

13 “(ii) under subsection (c) to entities  
14 including States, local governments, Indian  
15 tribes, regional and interstate collabora-  
16 tives (such as regional ocean partnerships),  
17 nongovernmental organizations, public-pri-  
18 vate partnerships, and academic institu-  
19 tions.”;

20 (F) in subparagraph (D), by striking “Per-  
21 formance accountability and monitoring” and  
22 inserting “Performance, accountability, and  
23 monitoring”;

24 (G) by redesignating subparagraphs (A)  
25 through (H) as paragraphs (1) through (8), re-

1           spectively, and moving such paragraphs, as so  
2           redesignated, 2 ems to the left; and

3               (H) in paragraph (3), as so redesignated,  
4           by redesignating clauses (i) and (ii) as subpara-  
5           graphs (A) and (B), respectively, and moving  
6           such subparagraphs, as so redesignated, 2 ems  
7           to the left;

8               (2) by striking subsection (b) and inserting the  
9           following:

10          “(b) GRANTS TO COASTAL STATES.—

11               “(1) IN GENERAL.—The Administrator shall  
12           award grants to coastal States as follows:

13               “(A) Seventy percent of available amounts  
14           shall be allocated equally among coastal States.

15               “(B) Fifteen percent of available amounts  
16           shall be allocated on the basis of the ratio of  
17           tidal shoreline in a coastal State to the tidal  
18           shoreline of all coastal States.

19               “(C) Fifteen percent of available amounts  
20           shall be allocated on the basis of the ratio of  
21           population density of the coastal counties of a  
22           coastal State to the average population density  
23           of all coastal counties based on the most recent  
24           data available from the Bureau of the Census.

1           “(2) MAXIMUM ALLOCATION TO STATES.—Not-  
2 withstanding paragraph (1), not more than 5 per-  
3 cent of the total funds distributed under this sub-  
4 section may be allocated to any single coastal State.  
5 Any amount exceeding that limitation shall be redis-  
6 tributed equally among the remaining coastal States.

7           “(3) OPTIONAL MATCHING FUNDS.—Each enti-  
8 ty seeking to receive a grant under this subsection  
9 is encouraged, but not required, to demonstrate that  
10 funds of any amount are available from non-Federal  
11 sources to supplement the amount of the grant.”;  
12 and

13           (3) in subsection (c)—

14           (A) in paragraph (1), by striking “The Ad-  
15 ministrator and the Foundation” and inserting  
16 “The Foundation, in consultation with the Ad-  
17 ministrator,”; and

18           (B) by adding at the end the following:

19           “(3) EXCLUSION OF FUNDS FROM LIMITA-  
20 TION.—The amount of a grant awarded under this  
21 subsection shall not count toward the limitation  
22 under subsection (b)(2) on funding to coastal States  
23 through grants awarded under subsection (b).”.

24           (e) ANNUAL REPORT ON OPERATION OF THE NA-  
25 TIONAL OCEANS AND COASTAL SECURITY FUND.—Sec-

1 tion 907(a) of the National Oceans and Coastal Security  
2 Act (16 U.S.C. 7506(a)) is amended by striking “Subject  
3 to” and all that follows through “the Foundation” and  
4 inserting the following: “Not later than 60 days after the  
5 end of each fiscal year, the Administrator and the Founda-  
6 tion”.

7 (f) REPEAL OF AUTHORIZATION OF APPROPRIATIONS  
8 FOR FISCAL YEARS 2017, 2018, AND 2019.—Section 908  
9 of the National Oceans and Coastal Security Act (16  
10 U.S.C. 7507) is repealed.

11 (g) PARITY IN OFFSHORE WIND REVENUE SHAR-  
12 ING.—Section 8(p)(2) of the Outer Continental Shelf  
13 Lands Act (43 U.S.C. 1337(p)(2)) is amended—

14 (1) in subparagraph (A), by striking “(A) The  
15 Secretary” and inserting the following:

16 “(A) IN GENERAL.—Subject to subpara-  
17 graphs (B) and (C), the Secretary”;

18 (2) in subparagraph (B), by striking “(B) The  
19 Secretary” and inserting the following:

20 “(B) DISPOSITION OF REVENUES FOR  
21 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES  
22 SEAWARD OF STATE SUBMERGED LAND.—The  
23 Secretary”; and

24 (3) by adding at the end the following:

1                 “(C) DISPOSITION OF REVENUES FOR OFF-  
2                 SHORE WIND PROJECTS IN CERTAIN AREAS.—

3                 “(i) DEFINITIONS.—In this subparagraph:

5                 “(I) COVERED OFFSHORE WIND  
6                 PROJECT.—The term ‘covered off-  
7                 shore wind project’ means a wind-  
8                 powered electric generation project in  
9                 a wind energy area on the outer Con-  
10                 tinental Shelf that is not wholly or  
11                 partially located within an area sub-  
12                 ject to subparagraph (B).

13                 “(II) ELIGIBLE STATE.—The  
14                 term ‘eligible State’ means a State a  
15                 point on the coastline of which is lo-  
16                 cated within 75 miles of the geo-  
17                 graphic center of the covered offshore  
18                 wind project.

19                 “(ii) REQUIREMENT.—

20                 “(I) IN GENERAL.—Of the oper-  
21                 ating fees, rentals, bonuses, royalties,  
22                 and other payments that are paid to  
23                 the Secretary under subparagraph (A)  
24                 from covered offshore wind projects—

1                     “(aa) 12.5 percent shall be  
2                     deposited in the Treasury and  
3                     credited to miscellaneous re-  
4                     ceipts;

5                     “(bb) 37.5 percent shall be  
6                     deposited in the National Oceans  
7                     and Coastal Security Fund estab-  
8                     lished under section 904(a) of  
9                     the National Oceans and Coastal  
10                    Security Act (16 U.S.C.  
11                    7503(a)); and

12                    “(cc) 50 percent shall be de-  
13                     posited in a special account in  
14                     the Treasury, from which the  
15                     Secretary, subject to subclause  
16                     (II), shall disburse to each eligi-  
17                     ble State an amount (based on a  
18                     formula established by the Sec-  
19                     retary of the Interior by rule-  
20                     making not later than 180 days  
21                     after the date of enactment of  
22                     the Reinvesting In Shoreline  
23                     Economies and Ecosystems Act  
24                     of 2021) that is inversely propor-

1                              tional to the respective distances  
2                              between—

**22                          “(iv) AUTHORIZED USES.—**

“(I) IN GENERAL.—Subject to  
subclause (II), each State shall use all  
amounts received under clause

(ii)(I)(cc) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

“(aa) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

“(bb) Mitigation of damage to fish, wildlife, or natural resources, including through fisheries science and research

“(cc) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan

“(dd) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

“(ee) Planning assistance and the administrative costs of complying with this section.

1                         “(II) LIMITATION.—Of the  
2                         amounts received by a State under  
3                         clause (ii)(I)(cc), not more than 3 per-  
4                         cent shall be used for the purposes de-  
5                         scribed in subclause (I)(ee).

6                         “(v) ADMINISTRATION.—Subject to  
7                         clause (vi)(III), amounts made available  
8                         under clause (ii)(I) shall—

9                         “(I) be made available, without  
10                         further appropriation, in accordance  
11                         with this paragraph;

12                         “(II) remain available until ex-  
13                         pended; and

14                         “(III) be in addition to any  
15                         amount appropriated under any other  
16                         Act.

17                         “(vi) REPORTING REQUIREMENT.—

18                         “(I) IN GENERAL.—Not later  
19                         than 180 days after the end of each  
20                         fiscal year, the Governor of each eligi-  
21                         ble State that receives amounts under  
22                         clause (ii)(I)(cc) for the applicable fis-  
23                         cal year shall submit to the Secretary  
24                         a report that describes the use of the

1                   amounts by the eligible State during  
2                   the period covered by the report.

3                   “(II) PUBLIC AVAILABILITY.—On  
4                   receipt of a report under subclause  
5                   (I), the Secretary shall make the re-  
6                   port available to the public on the  
7                   website of the Department of the In-  
8                   terior.

9                   “(III) LIMITATION.—If the Gov-  
10                  ernor of an eligible State that receives  
11                  amounts under clause (ii)(I)(cc) for  
12                  the applicable fiscal year fails to sub-  
13                  mit the report required under sub-  
14                  clause (I) by the deadline specified in  
15                  that subclause, any amounts that  
16                  would otherwise be provided to the eli-  
17                  gible State under clause (ii)(I)(cc) for  
18                  the succeeding fiscal year shall be de-  
19                  posited in the National Oceans and  
20                  Coastal Security Fund established  
21                  under section 904(a) of the National  
22                  Oceans and Coastal Security Act (16  
23                  U.S.C. 7503(a)).”.

24                 (h) EXEMPTION OF CERTAIN PAYMENTS FROM SE-  
25                 QUESTRATION.—

1                             (1) IN GENERAL.—Section 255(g)(1)(A) of the  
2       Balanced Budget and Emergency Deficit Control  
3       Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by  
4       inserting after “Payments to Social Security Trust  
5       Funds (28–0404–0–1–651).” the following:

6                             “Payments to States pursuant to subparagraph  
7       (C)(ii)(I)(cc) of section 8(p)(2) of the  
8       Outer Continental Shelf Lands Act (43 U.S.C.  
9       1337(p)(2)).”.

10                          (2) APPLICABILITY.—The amendment made by  
11      this subsection shall apply to any sequestration  
12      order issued under the Balanced Budget and Emer-  
13      gency Deficit Control Act of 1985 (2 U.S.C. 900 et  
14      seq.) on or after the date of enactment of this Act.

15 **SEC. 3. GULF OF MEXICO OUTER CONTINENTAL SHELF**  
16                          **REVENUES.**

17                          (a) DEFINITION OF QUALIFIED OUTER CONTI-  
18      NENTAL SHELF REVENUES.—Section 102(9)(A) of the  
19      Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.  
20      1331 note; Public Law 109–432) is amended—

21                          (1) in clause (i)(II), by striking “and” after the  
22      semicolon; and

23                          (2) by striking clause (ii) and inserting the fol-  
24      lowing:

1               “(ii) with respect to amounts dis-  
2               bursed under subparagraphs (A) and (B)  
3               of section 105(a)(2)—

4               “(I) in the case of each of fiscal  
5               years 2017 through 2021, all rentals,  
6               royalties, bonus bids, and other sums  
7               due and payable to the United States  
8               received on or after October 1, 2016,  
9               from leases entered into on or after  
10              December 20, 2006, for—

11              “(aa) the 181 Area;  
12              “(bb) the 181 South Area;

13              and

14              “(cc) the 2002–2007 plan-  
15              ning area; and

16              “(II) in the case of fiscal year  
17              2022 and each fiscal year thereafter,  
18              all rentals, royalties, bonus bids, and  
19              other sums due and payable to the  
20              United States received on or after Oc-  
21              tober 1, 2021, from leases entered  
22              into on or after October 1, 2000,  
23              for—

24              “(aa) the 181 Area;

1                         “(bb) the 181 South Area;

2                         and

3                         “(cc) the 2002–2007 plan-

4                         ning area; and

5                         “(iii) with respect to amounts dis-  
6                         bursed under section 105(a)(2)(C), in the  
7                         case of fiscal year 2017 and each fiscal  
8                         year thereafter, all rentals, royalties, bonus  
9                         bids, and other sums due and payable to  
10                         the United States received on or after Oc-  
11                         tober 1, 2016, from leases entered into on  
12                         or after December 20, 2006, for—

13                         “(I) the 181 Area;

14                         “(II) the 181 South Area; and

15                         “(III) the 2002–2007 planning

16                         area.”.

17                         (b) DISPOSITION OF QUALIFIED OUTER CONTI-

18                         NENTAL SHELF REVENUES.—

19                         (1) IN GENERAL.—Section 105(a) of the Gulf  
20                         of Mexico Energy Security Act of 2006 (43 U.S.C.  
21                         1331 note; Public Law 109–432) is amended—

22                         (A) in paragraph (1), by striking “50” and  
23                         inserting “25”; and

24                         (B) in paragraph (2)—

- (i) in the matter preceding subparagraph (A), by striking “50” and inserting “75”;
- (ii) in subparagraph (A)—
  - (I) by striking “75 percent” and inserting “ $\frac{2}{3}$ ”; and
  - (II) by striking “and” after the semicolon;
- (iii) in subparagraph (B), by striking “25 percent” and inserting “ $\frac{1}{6}$ ”;
- (iv) by redesignating subparagraph (B) as subparagraph (C); and
- (v) by inserting after subparagraph (A) the following:

“(B)  $\frac{1}{6}$  to the National Oceans and Coastal Security Fund established under section 904(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7503(a)).”.

23 (c) ELIMINATION OF LIMITATION ON AMOUNT OF  
24 DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF  
25 REVENUES.—Section 105(f) of the Gulf of Mexico Energy

1 Security Act of 2006 (43 U.S.C. 1331 note; Public Law  
2 109–432) is amended—

3                 (1) in paragraph (1), by striking subparagraphs

4                 (A) through (C) and inserting the following:

5                         “(A) \$500,000,000 for each of fiscal years  
6                         2016 through 2019; and

7                         “(B) \$650,000,000 for each of fiscal years  
8                         2020 and 2021.”;

9                 (2) in paragraph (2), by striking “2055” and  
10                 inserting “2021”; and

11                 (3) in paragraph (3), by striking “and (B)” and  
12                 inserting “, (B), and (C)”.

13                 (d) EXEMPTION OF CERTAIN PAYMENTS FROM SE-  
14                 QUESTRATION.—

15                 (1) IN GENERAL.—Section 255(g)(1)(A) of the  
16                 Balanced Budget and Emergency Deficit Control  
17                 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by  
18                 inserting after “Payments to Social Security Trust  
19                 Funds (28–0404–0–1–651).” the following:

20                         “Payments to States pursuant to section  
21                 105(a)(2)(A) of the Gulf of Mexico Energy Se-  
22                 curity Act of 2006 (Public Law 109–432; 43  
23                 U.S.C. 1331 note) (014–5535–0–2–302).”.

24                 (2) APPLICABILITY.—The amendment made by  
25                 this subsection shall apply to any sequestration

1       order issued under the Balanced Budget and Emer-  
2       gency Deficit Control Act of 1985 (2 U.S.C. 900 et  
3       seq.) on or after the date of enactment of this Act.

○